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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/741,725	12/19/2000	Gary D. Sasaki	10004124-1	7533

7590 12/18/2002

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
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EXAMINER

SHERR, CRISTINA O

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 12/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/741,725

Applicant(s)

SASAKI ET AL.

Examiner

Cristina O Sherr

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other: .

DETAILED ACTION

1. Claims 1 – 20 have been examined.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 19 December 2001 was filed after the mailing date of the Application on 19 December 2000. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner is considering the information disclosure statement.

Specification

3. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1 – 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Downs et al (US 6,226,619B1) in view of Colosso (US 6,169,976B1).
6. Downs discloses a portable media device, comprising a memory configured to store digital content; a wireless transceiver configured to wirelessly transmit and receive digital content; an output configured to render digital content; and a controller coupled to the memory, the wireless transceiver and the output, the controller being configured to

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control wireless transmission and rendering of digital content based upon meta-data associated with the digital content (Col. 3 In 40-56);

wherein the controller is configured to control playback of digital content stored in the memory based upon a user license confirmation (Col. 3 In 40-56);

wherein the controller is configured to confirm a user license for a digital content based upon meta-data associated with the digital content (Col. 3 In 40-56);

wherein the controller is configured to confirm a user license based upon a comparison of a user identifier embedded in the meta-data with a user identifier stored in the memory (Col. 3 In 40-56);

wherein the controller is configured to limit playback of the digital content in response to a failed user license confirmation (Col. 3 In 40-56);

wherein the controller is configured to enable playback of only a sample of the digital content in response to a failed user license confirmation (Col. 3 In 40-56);

wherein the controller is configured to direct received digital content selectively to unrestricted memory storage or to restricted memory storage based upon a user license confirmation (Col. 3 In 40-56);

wherein the controller is configured to direct licensed digital content to unrestricted memory storage and to direct unlicensed digital content to restricted memory storage (Col. 3 In 40-56);

wherein the controller is configured to restrict storage of unlicensed digital works to a predetermined quantity (Col. 3 In 40-56);

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wherein the controller is configured to enable wireless transmission of digital content stored in unrestricted memory and to prevent wireless transmission of digital content stored in restricted memory (Col. 3 In 40-56);

7. Downs does not, however, disclose the device of claim 1, above, wherein the controller is configured to decrypt encrypted digital content with a cryptographic key stored in the memory (Colosso Col 2 In 33 – col 4 In 9). Colosso, however, does, as noted above. It would be obvious to one of ordinary skill in the art to combine the teachings of Downs and Colosso in order to obtain greater security in the management of licenses in a digital content distribution system.

8. Claims 12 - 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Downs et al (US 6,226,619B1) in view of Colosso (US 6,169,976B1).

9. Downs discloses a digital content distribution system, comprising: two or more portable media devices each comprising a memory for storing digital content and a transceiver for wirelessly transmitting digital content to and wirelessly receiving digital content from another portable media device; and a license manager configured to associate digital content with meta-data for controlling wireless transmission and rendering of digital content from one portable media device to another (Col. 3 In 40-56); wherein the licensed distributor is configured to embed a user identifier in meta-data associated with purchased digital content (Col. 3 In 40-56); wherein the license manager is configured to allocate incentives based upon meta-data associated with purchased digital content (Col. 3 In 40-56);

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wherein the license manager is configured to allocate an incentive to a digital content distributor in response to a purchase of the corresponding digital content by a user of a portable media device storing meta-data with an appropriate embedded distributor identifier (Col. 3 ln 40-56);

wherein the license manager is configured to allocate an incentive to a user of a portable media device containing restricted playback digital content in response to a purchase of the corresponding digital content by the user (Col. 3 ln 40-56);

further comprising a licensed distributor configured to transmit to one or more portable media devices meta-data associated with broadcasted digital content and containing an embedded distributor identifier (Col. 3 ln 40-56);

wherein the license manager is configured to allocate an incentive to the digital content distributor in response to a purchase of the corresponding digital content by a user of a portable media device storing the meta-data with the embedded distributor identifier (Col. 3 ln 40-56);

wherein the licensed distributor is configured to allocate incentives based upon meta-data associated with purchased digital 3 content (Col. 3 ln 40-56).

10. Downs does not, however, disclose the system of claim 17, above, wherein the licensed distributor is configured to allocate an incentive to a user of a portable media device containing restricted playback digital content in response to a purchase of the corresponding digital content by the user (Colosso Col 2 ln 33 – col 4 ln 9). Colosso, however, does, as noted above. It would be obvious to one of ordinary skill in the art to

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combine the teachings of Downs and Colosso in order to obtain greater security in the management of licenses in a digital content distribution system.

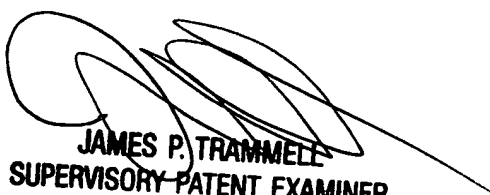
Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cristina O Sherr whose telephone number is 703-305-0625. The examiner can normally be reached on Monday through Friday 8:30 to 5:00.

12. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703-305-9768. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

13. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

December 13, 2002


JAMES P. TRAMMELL
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